Validity of Common-Law Assignments for Benefit of Creditors.—The federal bankruptcy act suspended the Illinois statute in reference to voluntary assignments for the benefit of creditors. In Pogue *v.* Rowe, 86 Northeastern Reporter, 207, it appeared that Clausen had made a common-law assignment of his stock of merchandise to Pogue. Another of Clausen's creditors, having secured a judgment against him, had a constable levy on the merchandise in P.'s possession. P. retook the goods under a writ of replevin. The Supreme Court of Illinois held that a common-law assignment for the benefit of creditors is valid as far as the statutes of the state are concerned, and that P. was entitled to the goods.

Right of Accused to Be Present at Rendition of Verdict.—During his trial for a capital offense accused was on bail. When the jury brought in its verdict of manslaughter he was out in the country for the night. In Sherrod *v.* State, 47 Southern Reporter, 554, the Supreme Court of Mississippi held that wherever the charge is capital the defendant cannot waive his right to be present, and whether he be in jail, subject to the power of the court to produce him, or on bond, it is fatal error to receive the verdict in his absence. This, although not a constitutional right, is one secured by statute and the common law. The conviction of manslaughter having been reversed, accused was discharged, as any further prosecution would have resulted in placing him twice in jeopardy for the same offense.

Second Trial In Eminent Domain as Subversive of Justice.—A municipality instituted condemnation proceedings against a railroad corporation to enable it to extend an avenue across the right of way. The judgment for the railway was so large that the proceeding was abandoned by the municipality. Shortly thereafter it sought to extend another avenue just six inches south of the first one across the same track, and to have damages adjudicated by the court. In Northern Pac. Ry. Co. et al. *v.* City of Georgetown, 97 Pacific Reporter, 659, the Supreme Court of Washington held that to permit the second trial would not only be subversive of justice, but would be making a farce of judicial proceedings, by allowing a litigant to play hide and seek with the judgment of a court by accepting such judgment, if it suited him, by rejecting it if it did not, and commencing another action involving the same issues, and so on ad infinitum, until he was satisfied with the result.

Waiver of Exemptions by Bankrupt.—The Georgia Constitution forbids the waiver by a debtor of the right of exemption to wearing apparel and $300 worth of household and kitchen furniture and provisions. In Citizens' Bank *v.* Hargraves, 164 Federal Reporter, 613,

petitioner had offered four mules as security for a loan from the bank, which at maturity was not repaid. By consent of all parties the mules were sold free of all liens for $468. Thereafter petitioner claimed an exemption of $300 from the proceeds of the sale. From the quandary as to whether those mules were wearing apparel, household or kitchen furniture, the United States Circuit Court of Appeals delivers us by deciding that the exemption is confined to specific articles, and that petitioner, having waived his right to property without the exception, cannot reclaim it.

Necessity of Saving Human Life Excuses Trespass.—While plaintiff, with his wife and small children, was on Lake Champlain in a loaded sloop, a violent storm arose. Desiring to escape the hazard of the open water, plaintiff moored his boat to defendant's dock. Thereupon defendant's servant cast the boat off. It was caught in the tempest and driven ashore. The occupants were thrown into the water or onto the shore and injured. The cargo was lost. The Supreme Court of Vermont in Ploof *v.* Putnam, 71 Atlantic Reporter, 188, decided that even had the act of mooring the boat been a trespass, it was the duty of defendant to refrain from casting it off until the fury of the gale had abated, as the preservation of human life was of paramount importance. We take the following excellent annotation to this Vermont case from February number of the "Harvard Law Review:"

Necessity as an Excuse for a Trespass upon Land.—Since the earliest times there have been many well-recognized exceptions to the rule that any unauthorized entry upon the land of another is an actionable trespass. Hence the subjection to excusable entries must be regarded as one of the reasonable burdens of property ownership. The legal justifications for trespasses on land may be roughly divided into three groups: First, where the entry is excused on the ground of implied leave and license.[1] The second division comprises trespasses committed in the administration of justice.[2] The numerous other circumstances under which trespasses have been excused may be grouped under the head of necessity, public and private.

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1. Ditchman *v.* Bond, 3 Camp. 524; Martin *v.* Houghton, 45 Barb. (N. Y.) 258.

2. Entry by officer to make an arrest or attachment. State *v.* Smith, 1 N. H. 346; Haggerty *v.* Wilber, 16 John. (N. Y.) 287. Closely allied are cases of entry by a private individual in the recaption of realty, Fort Dearborn Lodge *v.* Klien, 115 Ill. 177; see Low *v.* Elwell, 121 Mass. 309; or in the recaption of personalty, Patrick *v.* Colerick, 3 M. & W. 483; Madden *v.* Brown, 8 N. Y. App. Div. 454 (the theory of implied license suggested in these cases seems a fiction); or to abate a nuisance, Amoskeag Co. *v.* Goodale, 46 N. H. 53. See Brown *v.* Perkins, 12 Gray (Mass.) 89.